

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF SOUTH CAROLINA

WILLIAM CHILDS) JURY TRIAL DEMANDED	
Plaintiff,)	
)	
v.) Case No.	
)	
RESURGENT CAPITAL SERVICES, L.P)	RCVD - USDC COLA SC
Defendant.)	DEC 28 '23 AM 11:39
)	
)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff William Childs (hereinafter "Plaintiff") an individual consumer, against Defendant, Resurgent Capital Services, L.P, (hereinafter referred to as Defendant) for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C § 1331. Venue in this District is proper in that the Defendant transacts

business in Columbia, Richland County, South Carolina, and the conduct complained of occurred in Columbia, Richland County, South Carolina.

III. PARTIES

3. Plaintiff is a natural person residing in Columbia, Richland County, South Carolina. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C § 1692a(6).
5. Upon information and belief, Defendant is an South Carolina corporation with its principal place of business located at 15 S Main St, Greenville, SC 29601. Defendant’s registered agent for service of process is Corporation Service Company, 508 Meeting Street, West Columbia, South Carolina 29169.
6. Defendant is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers’ debts alleged to be due to another’s.

IV. FACTS OF THE COMPLAINT

7. Plaintiff received a letter via mail dated January 18, 2023 from Defendant attempting to collect a debt in the amount of \$705.65 allegedly owed to Credit One Bank, N.A.

8. Plaintiff sent a letter via USPS certified mail to Defendant dated March 16, 2023 stating “I refuse to pay” pursuant to 15 U.S.C §1692c(c). The certified letter was received by Defendant on March 22, 2023.
9. Despite receiving Plaintiff’s notice, Defendant continued its attempts to contact plaintiff via two letters dated June, 28 2023, in violation of 15 U.S.C §1692c(c).
10. Plaintiff has suffered actual damages as a result of these illegal collection communications by this Defendant in the form of anger, anxiety, decreased ability to focus on task while at work, frustration, amongst other negative emotions.

V. FIRST CLAIM FOR RELIEF
15 U.S.C. §1692c(c)

11. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
12. Defendant violated the FDCPA. Defendant’s violations include, but are not limited to, the following: Defendant violated 15 U.S.C § 1692c(c) of the FDCPA by failing to cease collection after receiving written notice.
13. As a result of the above violations of the FDCPA, Defendant is liable for actual damages, statutory damages and costs.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgment for the violations occurred for violating the FD CPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

William Childs

William Childs

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